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Attorney File Ref: 102792-532 / 11160P1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Sabrina HIGGINS
Serial No.: 10/595767
Filed: 05.Sep.2006
Examiner: Nora Maureen ROONEY
Art Group: 1644
Title: NEW OILS/MIXTURES AS DEACTIVANTS

PER TELEFAX: (571) 273-8300

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

15 June 2009

Dear Sir,

RESPONSE TO RESTRICTION REQUIREMENT / ELECTION OF SPECIES REQUIREMENT

This paper is responsive to the *Restriction Requirement* dated 26.May.2009.

In the prior *Restriction Requirement*, the Examiner has divided the claims into two groups:

Group I: claims 1 – 12 directed to a method of deactivating an allergen within an airspace utilizing a specific allergen deactivating compound; and,

Group II: claim 13 directed to a specific allergen-deactivant composition containing specific compounds.

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As an examination of the claims will confirm, at least the subject matter of the claims of Group I and Group II comprise overlapping subject matter, viz., the identity of certain of the compounds useful in deactivating allergens, and thus are believed to render the Group I and Group II claims to be closely technically related. Due to the closely related subject matter, namely in the identification of some of the same compounds useful in deactivating allergens in the Group I and Group II claims, it is believed that there would be no undue burden placed upon the Examiner in performing a single search which would be commensurate with the scope of the claimed invention for *all* of the currently pending claims, and thus obviate the Examiner's basis for a restriction between the two groups of claims.

Nonetheless, if the Examiner does not withdraw the outstanding *Restriction Requirement*, the applicant provisionally elects the following with TRAVERSE the:

Group I: claims 1 – 12 directed to a method of deactivating an allergen within an airspace utilizing a specific allergen deactivating compound.

In the present *Restriction Requirement*, the Examiner now requires an election of species directed to a single deactivant comprising one or more of: citrus oil, mint oil, bois de rose oil, oil of jasmine, frankincense, oil of bergamot and oil of lemongrass (as recited in claim 1.)

As an examination of the plural oils recited in claim 1 will confirm, each of the identified species are directed to "oils" derived from a plant or plant part, and as such are believed to be sufficiently technically related so that there would be no undue burden placed upon the Examiner in performing a single search which would be commensurate with the scope of the claimed "oils" of claim 1, and thus obviate the Examiner's basis for a restriction between the specified oils recited *supra* and in claim 1.

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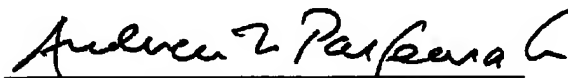
Nonetheless, if the Examiner does not withdraw the outstanding *Election of Species Requirement*, the applicant provisionally elects the following with TRAVERSE citrus oil as recited in claim 1.

The applicant expressly reserves their right to reinstate any non-elected subject matter indicated this paper in a later filed application, or alternately, re-enter the presently non-elected claims as dependent claims written to encompass limitations of allowable claims and request rejoinder of the Group II claims at a later time and/or one or more of the remaining "oils" of claim 1.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, including any extension of time fees, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;



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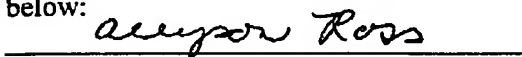
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Date:

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